

REMARKS

Claims 29-51 are currently pending in the application. No claims have been canceled. Claims 29 and 35 have been amended. Claim 51 has been added. Applicant respectfully submits that no new matter has been added. Applicant respectfully requests reconsideration of the pending application in view of the foregoing amendments and the following remarks.

I. Rejection Under 35 U.S.C. § 103

Claims 29-50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,222,157 to Sutton, Jr. et al. (“Sutton”) in view of U.S. Patent No. 6,052,709 to Paul (“Paul”). Applicant respectfully traverses.

Sutton discloses a complaint-based, server-side system to block unsolicited emails. According to Sutton, users of an email system are permitted to “complain” about unsolicited emails received in their inbox. Upon receipt of a complaint for a specific email, the email system computes and stores a digital signature for the specific email for future use. Sutton further discloses having the email system compute digital signatures for all incoming emails for the users. If the digital signature for an email matches a digital signature for an email that has previously been the subject of a complaint, Sutton discloses filtering the email so that it is not delivered to an inbox.

Paul discloses a system for identifying unsolicited emails (“spam”). Paul discloses using so called “spam probes” to identify sources of spam. According Paul, a spam probe is an email address specifically selected to make its way onto as many spam email lists as possible. Paul’s spam probes transmit information regarding sources of spam to network servers for purposes of enacting a more effective spam filter.

A. Independent Claim 29

Applicant respectfully submits that the disclosures of Sutton and Paul are fundamentally deficient relative to the invention set forth in independent claim 29. Independent claim 29

requires: (1) on an electronic device, capturing substantially all digital data received by the electronic device; (2) transmitting information related to the captured digital data to a backend system comprising at least one server; and (3) receiving an indication from the at least one server of whether the captured digital data is illicit digital data or non-illicit digital data. Applicant respectfully submits that neither Sutton nor Paul discloses these features. At most, Sutton and Paul disclose filtering email for spam on an email server or filtering email for spam on a user machine. In other words, in Sutton and Paul, an email is either received and filtered as spam at an email server or received and filtered as spam at a user machine. Applicant respectfully submits that Sutton and Paul fail to disclose *capturing on an electronic device, transmitting...to the at least one server*, and *receiving...from the at least one server* as independent claim 29 explicitly requires.

Additionally, independent claim 29 requires *delaying delivery of the digital data to an application layer on the electronic device at least until the digital data is designated non-illicit by the at least one server, the at least one server providing a content-rating service that rates illicitness of digital data*. Applicant respectfully notes that, as a result of principles of antecedent basis, the above-referenced feature of independent claim 29 references digital data that has been received by the electronic device and captured but not presented to a user. More specifically, independent claim 29 affirmatively recites delaying delivery to the application layer at least *until the backend system designates the digital data non-illicit*. As discussed above, Sutton and Paul fail to disclose *capturing, transmitting, and receiving* as required by independent claim 29. Therefore, in Sutton and Paul and in the context of independent claim 29, there is nothing to delay and nothing to delay until. Applicant respectfully submits that Sutton and Paul are silent on *delaying* as required by independent claim 29.

Applicant respectfully submits that, for at least the reasons presented above, Sutton and Paul fail to render independent claim 29 obvious. Applicant respectfully requests that the rejection of independent claim 29 under 35 U.S.C. § 103 as obvious over Sutton and Paul be withdrawn.

B. Independent Claim 50

Applicant respectfully submits that Sutton and Paul fail to disclose several features of independent claim 50. For example, for reasons similar to those presented with respect to independent claim 1, Sutton and Paul fail to disclose *capturing on an electronic device, routing...to at least one server*, and *receiving...from the at least one server* as required by independent claim 50. Applicant respectfully submits that, for at least these reasons, the combination of Sutton and Paul fails to render independent claim 50 obvious.

In addition, both Sutton and Paul fail to disclose *concurrently routing* as required by independent claim 50. The Office Action asserts that Paul discloses *concurrently routing* via blocks 120, 121, 122, 130, 132, 133, 135, 136, and 138 of FIG. 1. However, FIG. 1 is a generic network diagram disclosing, via arrows, connections of various servers and user terminals. No timing of any routing, concurrent or otherwise, is disclosed by FIG. 1 of Paul. Paul's specification is similarly silent. Therefore, even in a generic sense, Applicant respectfully submits that FIG. 1 of Paul does not disclose concurrently routing.

Moreover, independent claim 50 does not claim merely *concurrently routing* but *concurrently routing*: (1) *information relating to at least some of the captured requests for digital content to a backend system on the network, the backend system having at least one server providing a content-rating service; and (2) the at least some captured requests to intended destinations on the network*. As noted above, Paul fails to disclose *concurrently routing*. Applicant respectfully submits that the portions of Paul cited by the Office Action additionally fail to correspond to the items that are concurrently routed.

The Office Action cites an email filter, storage of incoming emails in a message store, and generic network diagrams as corresponding to the features denoted as (1) and (2) above. Applicant respectfully submits that the portions of Paul do not concern captured *requests for digital content* or *information related to captured requests for digital content*. Rather, Paul discloses receiving incoming emails at an email server. Therefore, in Paul, there is no *request*

for digital content, for example, to route to an intended destination as required by independent claim 50.

Applicant respectfully submits that, in various embodiments, the *concurrently routing* feature improves performance by allowing the request for digital content to be routed to the intended destination while the backend server addresses illicitness of the digital content. In various embodiments, if the digital content is designated non-illicit, a user of the electronic device may commence viewing the digital content more quickly because the request has already been sent. For example, at least one embodiment including these features is disclosed in the specification as originally filed.¹

Applicant respectfully submits that, for at least the reasons presented above, Sutton and Paul fail to render independent claim 50 obvious. Applicant respectfully requests that the rejection of independent claim 50 under 35 U.S.C. § 103 as obvious over Sutton and Paul be withdrawn.

C. Dependent Claims 30-49

Dependent claims 30-49 depend from and further patentably restrict independent claim 29. For at least the reasons given with respect to independent claim 29, Applicant respectfully submits that dependent claims 30-49 are in condition for allowance. Applicant respectfully requests that the rejection under 35 U.S.C. § 103 of dependent claims 30-49 be withdrawn.

II. New Independent Claim 51

New independent claim 51 has been added. Applicant respectfully submits that new claim 51 patentably distinguishes over all prior art of record and is in condition for allowance. For example, for at least reasons similar to those given with respect to independent claim 29, Sutton and Paul fail to disclose *capturing, routing, and receiving* as required by independent claim 51.

¹ *Specification*, p. 37 line 38 – p. 38 line 8; FIG. 18, elements 1871, 1811, and 1813.

III. Conclusion

In view of the above amendment, Applicant respectfully submits that the present application is in condition for allowance. A Notice to that effect is respectfully requested.

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Respectfully submitted,

Electronic signature: /David A. Lovell/

David A. Lovell

Registration No.: 57,619

WINSTEAD PC

P.O. Box 50784

Dallas, Texas 75201

(214) 745-5400

Attorneys For Applicant